REMARKS

Claims 1- 16 are pending in the application, claims 14-16 being new.

Allowed Claims 6-13

The Applicants thank the Examiner for the indication that claims 6-13 are **allowed**.

New Claims 14-16

New claims 14-16 are dependent claims <u>depending from **allowed** claims</u> 6, 8 and 11, respectively. New claims 14-16 are patentable for at least all the reasons that claims 6, 8 and 11 are patentable.

Claims 1-5 over Admitted Art in view of Marko

Claims 1-5 were rejected under 35 USC 103(a) as allegedly being obvious over admitted prior art in view of U.S. Pat. No. 5,325,405 to Marko et al. ("Marko"). The Applicants respectfully traverse the rejection.

Claims 1-5 are amended herein to further recite a time slot burst comprising a <u>sync word in **less than all, BUT MORE THAN ONE**, of a plurality of time slot based data frames</u>, remaining ones of the plurality of time slot based data frames NOT including a sync word.

The Examiner agrees that the admitted prior art fails to teach the limitation "less than all of said plurality of time slot based data frames not including a sync word." (Office Action at 2)

To cure this serious deficiency, the Examiner additionally cites Marko in combination with the Applicants' admitted prior art (AAPA). In particular, The Examiner alleges that "Marko in Fig. 1b, shows multiple frames with the first frame carrying sync information." (Office Action at 2)

Marko shows, in Fig. 1b, a sync word in ONLY A FIRST FRAME. Marko fails to teach a time slot burst comprising a <u>sync word in less than all, **BUT MORE THAN ONE**, of a plurality of time slot based data frames</u>, remaining ones of the plurality of time slot based data frames NOT including a sync word, as

specifically required by claims 1-5.

For these reasons alone, claims 1-5 are patentable. But there is more.

Marko is non-enabling. In particular, Marko discloses Fig. 1b as a way that WON'T WORK! (See Marko, col. 2, lines 25-62) For instance, Marko explains that "portions of the data words would be **lost** at the beginning of this receive window <u>due to the</u> **misalignment of the start of the frame** <u>synchronization character</u> . . .." (Marko, col. 2, lines 46-49)(emphasis added) Thus, Marko et al. themselves clearly explain that what is shown in **Fig. 1b WILL NOT WORK**! A non-working embodiment is certainly a non-enabling embodiment, and thus not properly used as prior art against the present invention.

For these reasons, claims 1-5 are patentable. But there is yet more.

Marko teaches AWAY FROM using what is taught by Fig. 1b, as Marko clearly explains that portions of <u>data words would be</u> **lost** due to **misalignment** <u>of the frame sync character</u>. A combination as alleged by the Examiner would combine the AAPA with something that is expressly taught away from by the secondary reference Marko. It is respectfully submitted that such a combination, which <u>goes against **express** teachings in a secondary reference</u>, is an improper combination with respect to the claims of the present invention.

For at least these many reasons, claims 1-5 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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